

City Council of the Mayor and Council of New Castle
Public Hearing: Town Hall – 201 Delaware Street – New Castle
Tuesday – May 3, 2011 – 6 p.m.

Present:

Council President William Barthel
Councilperson John Cochran
Councilperson John Gaworski
Councilperson Ted Megginson
Councilperson Teel Petty

Consideration of Ordinance No. 482, amending the following New Castle City Code sections:

Section 140: Housing and Property Maintenance
Section 141: Dangerous or Vacant Buildings

President Barthel gave some background. Some time ago the City and former Solicitor Roger Akin looked at this code and sought to find a way to enforcement it better. The goal was to clean it up and go after properties that are owned by investors/landlords that are not being registered with City. The other thing found was some of the language in it runs contrary to the Landlord-Tenant Code and puts the City in a position it doesn't want to be in, such as collecting money.

The committee to look at it consisted of Beverly Ross, John Lloyd, Jim Whisman and Dave Ross. (Note, at this meeting it was incorrectly stated that Alma Johnson had been a committee member. It is planned that the City Council minutes of June 14, 2011 shall contain a clarification.)

Mr. Lloyd said it was thought the rent withholding was a little risky; didn't think City should be involved.

Administrator Thomas said the wording needs some work.

Solicitor Losco said Mr. Lloyd can assess violations where there is a fine. The property owner must have an appeal right. There does not have to be a court hearing prior to assessment of a fine.

Mr. Lloyd estimated more than 50 percent of properties are not registered.

Mr. Losco asked whether it is a matter of ignorance of the law or a failure to comply.

Beverly Ross said she does not believe it was ever publicized. She suggested additional efforts to publicize.

Mr. Lloyd said that most people, when they are notified about the requirement, will register; some ignore it.

President Barthel said in the City of Wilmington you get a letter and then it goes to the attorney and the fines start. They are going after the chronic abusers. The question is how you deal with chronic abusers.

Mr. Losco said the way to do it is to advise people who are not registered and give them 30 days to buy the license. If they don't do that, start assessing the fines.

Councilperson Cochran asked about instant ticketing. It has been successful in the City of Wilmington.

President Barthel said those are more for violations of maintenance.

Mr. Losco said instant ticketing is being challenged in court over right to due process.

Councilperson Petty said she has a lot of questions. She has concerns, as a landlord, the landlord-tenant agreement is between the landlord and the tenant. Her concern related to foreclosure on properties and how it will be done.

President Barthel said the recommended changes would address taking the City out from being directly involved in the landlord-tenant issue. The City is trying to look at any landlord as a property owner with property maintenance issues.

Councilperson Petty asked what is the purpose of the license? Do other cities use it for a specific purpose?

Administrator Thomas said the revenues go into the general revenue fund, but the City does need to hire people like Mr. Lloyd to enforce the code and do inspections. Part or all of the money is used for those activities.

Beverly Ross said she feels it is important the City knows if the landlord lives there or it is rented out.

Mr. Losco said that other than the extra fee, he agrees with the changes, including the striking of the language.

Mrs. Ross suggested that any time the renewal goes out there should be a mention of the state code.

Councilperson Megginson made a motion to adjourn the public hearing. Councilperson Gaworski seconded the motion.

The motion was passed unanimously.

The hearing was adjourned at 6:32 p.m.